IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

RP.No. 75 of 2007(I)

AGAINST THE JUDGEMENT IN WPC.25917/2006 Dated 02/11/2006

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REVIEW PETITIONER/3RD PARTY :

ANTO PAUL, S/O. PAUL,
THEKKINIEDATH CHERUVALKKARAN HOUSE, THORAVUE,
PUTHUKKAD, THRISSUR DISTRICT.

BY ADV. SRI.P.K.ASHOKAN

RESPONDENTS: (PETITIONER & RESPONDENTS IN THE WP(C):

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1. THOMAS, S/O. CHAKOLA,
CHAKKALAMATTAH HOUSE, PAZHOKKARA DESOM,
ANNALUR VILLAGE, MUKANDAPURAM TALUK,THRISSUR DIST.

2. THE ASST.REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), MUKUNDAPURAM, IRINJALAKKUDA,
THRISSUR.

3. THE SPECIAL SALE OFFICER,
CO-OPERATIVE TOWN BANK, IRINJALAKKUDA,THRISSUR.

4. THE IRINJALAKKUDA TOWN CO-OPERATIVE
BANK LTD., REPRESENTED BY ITS GENERAL MANAGER,
TANA SOUTH, IRINJALAKKUDA, THRISSUR.

5. BENNY, S/O. ANTONY,
KODIYAN HOUSE, THOTAVUE VILLAGE,MUKUNDAPURAM TALUK
P.O. PUTHUKKAD, THRISSUR.

BY GOVERNMENT PLEADER SRI. PUZHAKKARA MOHAMMED -R2

SRI.T.K.CHINNAN - R1
SRI.N.P.SAMUEL -R4

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER IN I.A.NO.50 OF 2007 IN R.P.NO.75 OF 2007.

DISMISSED

19.7.2007 Sd/-(K. THANKAPPAN, JUDGE)

K.THANKAPPAN, J.

REVIEW PETITION NO. 75 OF 2007
IN
WRIT PETITION NO. 25917 OF 2006

Dated this the 19th day of July, 2007

O R D E R

Heard the review petitioner as well as the petitioner in W.P.(C) No.25917 of 2006. While disposing of the Writ Petition, this Court as per judgment dated 2.11.2006 quashed Ext.P6 order passed by the first respondent therein and directed the first respondent to take steps to give delivery of the property to the writ petitioner without any further delay. The review petitioner now submits that he is in possession of the properties involved in ARC No.5069 of 2001 pending before the second respondent. The review petitioner also submits that he is a third party and not a defaulter and hence, the judgment dated 2.11.2006 requires reconsideration.

2. Considering the contentions raised by the review petitioner and the stand taken by the writ petitioner, the judgment dated 2.11.2006 stands reviewed. The operative portion of the judgment is deleted and the first

respondent therein is hereby directed to consider the matter after hearing the review petitioner. However, Ext.P6 order passed by the first respondent shall stand quashed.

The Review Petition is disposed of with the above clarification.

(K.THANKAPPAN, JUDGE)

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